INTERPELLATIONS ANSWERED.

PRESIDENT : With reference to what fell from certain honourable members on a previous occasion, information has been collected which shows that all the interpellations for which answers have been received have been printed and supplied to the Assembly.

LEGISLATIVE BUSINESS. (*contd.*)

THE TRAVANCORE CHILD MARRIAGE RESTRAINT BILL.

PRESIDENT : The Secretary will read the petition.

The Secretary then read the following petition :—

"To

The Travancore Sri Mulam Assembly.

Whereas a Bill known as the Child Marriage Restraint Bill is now under the consideration of the Assembly, the humble petition of the President, Sri Rama Varma Jubilee Brahmana Association, Travancore, Trivandrum, sheweth that the proposed Bill is against the established religious customs and manners of the Tamil Brahmana community, that the sense of the community is dead against the measure as would be testified to by the various resolutions passed throughout the State, twenty-four in number, (enclosed herewith) and that the community does not want it and accordingly your petitioner prays that the Tamil Brahmin community be exempted from the operation of the said Bill and your petitioner as in duty bound will every pray.

P. S. Nilakanta Aiyar,
President,
S. R. V. J. Brahmana Association,
Trivandrum, 15-12-1113.

SECRETARY : Resolutions have also been passed at the following places by Associations of Brahmins praying that the Tamil Brahmin community may be exempted from the operation of the Travancore Child Marriage Restraint Bill if it is passed into law in spite of their opposition to the measure ; —

Bhoothapandy,	Suchindram	Neyyattinkara.
Attingal	Quilon	Shencotta.
Azhakiapandipuram	Kottarakara	Pathiyoor.
Avanavancheri	Haripad	Nedumangad.
Karamana	Muvattupuzha	Kayencolam.
Parur	Tiruvalla	Vatharcutti.
Perumbavoor	Koovapady	Manickamangalam.
Kotakulangara	Trivandrum.	

PRESIDENT The petition is placed on the table.

POINT OF ORDER *re* RIGHT OF CO-OPTED MEMBERS TO PUT QUESTIONS.

MR. P. S. NILAKANTA AIYAR : I rise to a point of order. In relation to the Bill for which I have been co-opted as a member of this House, I sent up certain interpellations to Government, but the Government have refused to answer it on the ground that co-opted members have no right to put questions under Rule 8 of the Assembly Rules. I request that I may be heard in this House about that matter, especially as it relates to the privileges of the members.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: Certainly, honourable member is at liberty to say what he has to say on that point.

MR. P. S. NILAKANTA AIYAR; Section 6 of the Regulation says—

"Provided also that Our Government may, for the purpose of any Bill introduced or proposed to be introduced in the Assembly, nominate not more than two members having special knowledge or experience of the subject-matter of the Bill, and those persons, *shall in relation to the Bill have, for the period for which they are nominated all the rights of members* of the Assembly and shall be in addition to the numbers above referred to."

Then, Rule 8 of the Rules says—"Subject to the conditions and restrictions in the following rules, any member can ask any questions on matters of public concern." Rule 8 must certainly include a co-opted member also.

The only other question is whether it is a matter of public concern.

PRESIDENT: There is no doubt that it is a matter of public concern.

MR. P. S. NILAKANTA AIYAR: The right of interpellatin is a right in regard to a public matter and the right of interpellation in respect of the present Child Marriage Restraint Bill is a right in regard to a public matter.

MR. PUTHUPALLY S. KRISHNA PILLAI: I rise to a point of order. Under Rule 15, paragraph 44 of the Manual, no discussion in the Council or the Assembly shall be permitted in respect of any order of the President under Rule 10, 13 or 14. In the statement that is being made here the complaint seems to be against the order made by the President of the Assembly under Rule 10, 13 or 14.

PRESIDENT: Order, order. I take it that this matter is raised as a question of privilege.

MR. P. S. NILAKANTA AIYAR: I think a right to put an interpellation in regard to a pending Bill is a right which can be exercised under Rule 8. Certainly a right to put in an interpellation also comes under the right to put in interpellations in relation to a Bill. That is the wording used in Section 6 of the Regulation. I submit therefore that it comes under a right in relation to a Bill which is a matter of public concern.

PRESIDENT: I have very little hesitation to ruling that the honourable member's contention is inadmissible. As a matter of fact, the honourable member has no right to be heard even now because I have not formally declared that the House has begun to consider the legislative business. It is only when the particular legislative business in regard to which a person is co-opted is taken up for debate and discussion and decision by the House that the co-opted member becomes entitled to function. For all other purposes he is not a member of the Legislature. When the discussion of the Bill is taken up and from that moment he has all the rights of a member of the Legislature and therefore all rights which can be exercised from the moment the President declares that the Bill is now open for debate or discussion can be exercised by the honourable member. In about two or three

LIBRARY ARCHIVES Kerala Legislative Assembly

minutes from now I shall call upon honourable members to proceed to the consideration of the Child Marriage Restraint Bill. At that moment no interpellation is admissible or can be admitted or can be discussed. That is another short and absolutely conclusive ground which will show that the honourable member's right of general interpellation cannot be granted. At question time the honourable member is not a member of the House and therefore the honourable member's rights now claimed do not exist. I therefore rule accordingly.

MR. E. JOHN PHILIPOSE: I should like to know whether the co-opted members of the House are entitled to sit in the House at question time.

PRESIDENT: That question has not been raised at question time. If it had been raised then I would have given a ruling. At present it is purely academical.

THE CHILD MARRIAGE RESTRAINT BILL.

PRESIDENT: The House will now resume discussion of the Child Marriage Restraint Bill. Clause 6 was under consideration when the House adjourned on the 19th of July and Mr. M.G. Matthew was speaking on amendment No. 38 to clause 6.

MR. M. G. MATTHEW: Sir, last time I was at amendment No. 38 moved by Mr. Varghese that proviso to Section 6 be deleted. Proviso to Section 6 says that no women shall be punishable with imprisonment. Clause 6 reads --

> "Where a minor contracts a child marriage, any person having charge of the minor whether as a parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punished with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both:"

I say that the proviso should be deleted. In doing so I am not unaware of the fact that I may be accused of being unchivalrous. When we legislate, when we try to bring a law into operation, certainly that has to be done with reason and consistency. That is the reason why I press this motion for the consideration of the House. I would even go to the extent of saying that no punishment by way of imprisonment need be contemplated in the law at all for the infringement of any of the provisions. But once an infringement is deemed fit to be punished, it should be effected in any case and it should be meeted out to man or woman without consideration of the sex for the following reasons.

No other law in the State makes any distinction between man and woman as far as punishment is concerned. Take for instance the Abkari regulation. Under the provisions of that law women are also equally liable to punishment. The only law in which there is a slight distinction is where it is an offence of murder where women are not liable to be hanged, *viz.*, the Penal Code, provides for the imprisonment of women. And that is no reason why a woman should not be subjected to imprisonment for infringement of the law.

LIBRARY ARCHIVES Kerala Legislative Assembly